



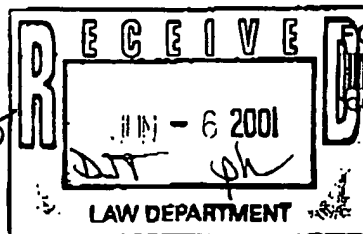
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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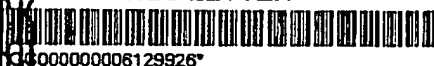
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/782,320	02/13/2001	Bernhard H. van Lengerich	BVL-102A

CONFIRMATION NO. 9819

Douglas J. Taylor, Esq.
General Mills, Inc.
P.O. Box 1113
Minneapolis, MN 55440



FORMALITIES LETTER



Date Mailed: 05/30/2001

7/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

Adjustment date: 07/11/2002
10/19/2001 CCHAU1 00000111 501032 09782320
01 FC:105 130.00 CR

A copy of this notice **MUST** be returned with the reply.

Taylor
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

10/19/2001 CCHAU1 00000111 501032 09782320
01 FC:105 130.00 CH

Seal \$1
#3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : van Lengerich
Serial No. : 09/782,320 Customer Service Center
Filed : February 13, 2001 Initial Patent Examination Division
Title : EMBEDDING AND ENCAPSULATION OF SENSITIVE
COMPONENTS INTO A MATRIX TO OBTAIN DISCRETE
CONTROLLED RELEASE PARTICLES

RESPONSE TO
NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Adjustment date: 07/11/2002 MF50159
11/15/2001-NROCHA1 00000006 501032 09782320
01 FC:117 920.00 CR

This is my response to the Notice to File Missing Parts of application dated May 30,

2001. The Notice indicates that the oath or declaration filed with the application is unsigned. A copy of the Notice is attached hereto. However, an executed Declaration was filed with the application on February 13, 2001.

The subject application filed on February 13, 2001, via Express Mail No. EK729209797US, is a divisional application of application Serial No. 09/269,763 filed May 17, 1999, now U.S. Patent No. 6,190,591 B1, issued February 20, 2001. The subject application as filed included 44 pages of specification, 32 pages of claims, 1 page of abstract, and six (6) sheets of corrected formal drawings. The subject application as filed also included a copy of the executed Declaration as filed in parent application Serial

11/15/2001-NROCHA1 00000006 501032 09782320
01 FC:117 920.00 CH

van Lengerich - Serial No. 09/782,320
Response to Notice to File Missing Parts
of Application

No. 09/269,763. Attached hereto is a copy of the Application Transmittal Letter dated February 13, 2001 which indicates in the Express Mail Certificate that “this paper and **accompanying** papers and fee” were deposited with the U.S. Postal Service addressed to the Assistant Commissioner for patents on February 13, 2001. The transmittal letter states at page 1, paragraph 1, last line, that “enclosed is a copy of the executed declaration from the prior application” (Emphasis added). Attached hereto is a copy of the executed Declaration as filed with the application on February 13, 2001. Also attached hereto is a copy of the Express Mail Label #EK729209797US showing a “date in” of February 13, 2001. A copy of the postcard receipt further evidencing that a copy of the Declaration as filed in parent application serial no. 09/269,763 was filed via Express Mail on February 13, 2001 is enclosed.

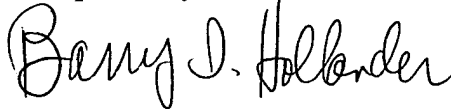
In view of the above, it is believed that the Notice to File Missing Parts of Application was issued in error, that a copy of the executed Declaration as filed in parent application Serial no. 09/269,763 filed May 17, 1999, was filed with the application on February 13, 2001, and that no surcharge and/or extensions of time or extension fees to respond to the Notice to File Missing Parts of Application are due.

If, after review of the foregoing Remarks and the attached documents, the Commissioner finds that the application as filed was filed without an executed copy of the

van Lengerich - Serial No. 09/782,320
Response to Notice to File Missing Parts
of Application

Declaration or that the executed copy has been lost, it is requested that the attached copy of the executed Declaration as filed in parent application Serial No. 09/269,763 filed May 17, 1999, be accepted. If necessary to avoid abandonment and/or to stop the statutory period for response to the Notice to File Missing Parts, it is requested that the surcharge of \$130.00 and, if necessary, a three-month extension fee, be charged to Deposit Account No. 501032. If the fees are charged, Applicant reserves his right to file a request for refund and/or petition.

Respectfully submitted,



Barry I. Hollander
Registration No. 28,566

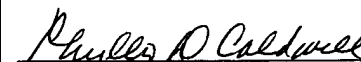
Hollander Law Firm, P.L.C.
Suite 305, 10300 Eaton Place
Fairfax, Virginia 22030
(703) 383-4800

October 16, 2001

Enclosures: Copy of Notice to File Missing Parts of
Application
Copy of Application Transmittal Letter
filed 2/13/01
Copy of executed Declaration
as filed 2/13/01
Copy of Express Mail Receipt
dated 2/13/01
Copy of US PTO Stamped Postcard Receipt
(stamped 2/13/01)

CERTIFICATE OF MAILING

I hereby certify that this correspondence dated 10/16/01 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 10/16/01.


HOLLANDER LAW FIRM, P.L.C.
Suite 305
10300 Eaton Place
Fairfax, Virginia 22030

Date: 10/16/01

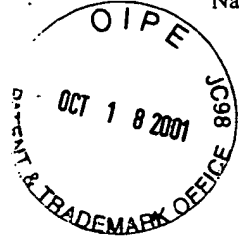
Express Mail Certificate

Date February 13 2001 Label No. EK 729209 797 US

I hereby certify that, on the date indicated above, I deposited this paper and accompanying papers and fee with the U. S. Postal Service and that it was addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231, by "Express Mail Post Office To Addressee" service.

PHYLLIS D. CALDWELL
Name (Print)

Phyllis D Caldwell
Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: BVL-102A

Prior Application: 09/269,763

Prior Art Unit: 1732

Prior Examiner: M. Eashoo

Assistant Commissioner For Patents
Washington, DC 20231

Sir:

This is a request for filing the enclosed divisional application under 37 C.F.R. Section 1.53(b), of pending prior application Serial No. 09/269,763, filed on May 17, 1999, in the name of Bernhard H. van Lengerich for EMBEDDING AND ENCAPSULATION OF CONTROLLED RELEASE PARTICLES. The enclosed divisional application includes 44 pages of specification, 32 pages of claims, 1 page of abstract, and six (6) sheets of corrected formal drawings as filed in parent application Serial No. 09/269,763, filed May 17, 1999. Also enclosed is a copy of the executed Declaration from the prior application.

Before calculating the filing fee, please cancel claims: 1-24

A Preliminary Amendment is enclosed.

An Information Disclosure Statement is being filed concurrently herewith.

van Lengerich
Rule 1.53 Divisional of 09/269,763
BVL-102A

The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS
CANCELLED BY AMENDMENT ABOVE

Basic filing fee	\$ 710.00
Total extra claims (45) x \$18.00	\$ 810.00
Independent claims over 3 = (2) x \$80.00	<u>\$ 160.00</u>
TOTAL....	<u>\$ 1,680.00</u>

Attached is our check in the amount of \$1,680.00 to cover the filing fee.

If any discrepancies in the calculated fee, the Commissioner is hereby authorized to charge any and all fees which may be required, or credit any overpayment to our Deposit Account No. 501032. A duplicate copy of this sheet is enclosed.

As requested by preliminary amendment, amend the specification on page 1 by inserting prior to "BACKGROUND OF THE INVENTION" the sentence: --This is a divisional of application serial no. 09/269,763 filed May 17, 1999, which is a 371 of PCT/US97/18984, filed October 27, 1997, which claims priority of provisional applications no. 60/029,038, filed October 28, 1996 and no. 60/052,717, filed July 16, 1997--

The parent application is assigned to General Mills, Inc. by virtue of assignments

van Lengerich
Rule 1.53 Divisional of 09/269,763
BVL-102A

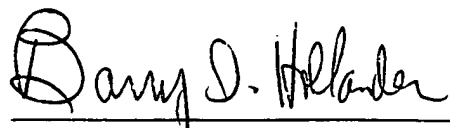
recorded at Reel 011062, Frame 0728, and Reel 011062, Frame 0788, on October 25, 2000.

The Power of Attorney in the prior application is to: Douglas J. Taylor, Reg. No. 32,945, John A. O'Toole, Reg. No. 28,336, Barry I. Hollander, Reg. No. 28,566, Virgil H. Marsh, Reg. No. 23,083, Kara M. Armstrong, Reg. No. 38,234, and Irina S. Zemel, Reg. No. 43,402.

The power of attorney in the original papers appears in the parent application, Serial No. 09/269,763, filed May 17, 1999.

Address all further communications and direct all telephone calls to: Douglas J. Taylor, Esq., General Mills, Inc., P. O. Box 1113, Minneapolis, MN 55440, (tele) 763-764-4402, (fax) 763-764-2268.

The entire disclosure of the prior application no. 09/269,763, filed May 17, 1999, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.



Barry I. Hollander
Reg. No. 28,566

Hollander Law Firm, P.L.C.
Suite 305, 10300 Eaton Place
Fairfax, Virginia 22030
(703) 383-4800

February 13, 2001